



CITY OF MEMPHIS

COUNCIL AGENDA

August 4, 2009

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (July 21, 2009)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION approving an honorary street name change of Walnut Grove in honor of Mrs. Bernice Flinn.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

2. ELECTION of the Council Vice Chairman.

Collins

PUBLIC HEARINGS

3. RESOLUTION approving a planned development located on the northeast corner of Lowrance Road; +/-331.38 feet east of Stansell Court, containing 3.76 acres in an area regulated by the approved conditions for Parcel 9 of the Stansell Crossing Planned Development (P.D. 00-311cc).

Morrison

Case No. PD 09-309cc

Applicant: Tower Ventures, LLC (Billy Orgel)
Prime Development Group, Inc. – Mike Fahy - Representative

Request: Communication Tower (190 ft. tall)

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

265 NOTICES WERE MAILED ON JULY 24, 2009

4. RESOLUTION approving a planned development located on the southeast corner of Germantown Parkway and U.S. Highway 64, containing 120.38 acres in an area regulated by the approved conditions for the I-40/Germantown Parkway Planned Development (P.D. 06-336).

Morrison

Case No. PD 09-312

Applicant: Simeon Properties, Inc. (Keith Stewart)
ETI Corporation (Rodney Joyner) – Representative

Request: Amend existing conditions to allow Retail Sales Outdoor

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

40 NOTICES WERE MAILED ON JULY 24, 2009

5. RESOLUTION approving a street/alley closure located within the existing Juvenile Court Parking Lot between Poplar Avenue and Washington Avenue, containing .23 acre.

Morrison

Case No. SAC 09-602

Applicant: Shelby County Government
ETI Corporation – Representative

Request: Close the alley to permit construction of a new Regional Forensics Center

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

37 NOTICES WERE MAILED ON JULY 24, 2009

DIVISION OF PLANNING & DEVELOPMENT

6. RESOLUTION approving a special use permit located on the northeast corner of Fields Road and Weaver Road, containing 2.40 acres in the Single Family Residential (R-S6) District.

Morrison

Case No. SUP 09-212

Applicants: Freedom Preparatory Academy
SR Consulting, LLC – Representative

Request: Special use permit for a Charter School

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Public Hearing Required; No Opposition at LUCB

ZONING ORDINANCE – THIRD AND FINAL READING (None)



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CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (None)

GENERAL ORDINANCES - SECOND READING

7. **ORDINANCE** to amend Chapter 21, Article III, of the Code of Ordinances, so as to prohibit using Text Messaging Services while operating a motor vehicle, up for S E C O N D reading.

Hedgepeth

Ordinance No. 5324

ACTION REQUESTED: Adopt the ordinance on Second reading

8. **ORDINANCE** to amend Chapter 21, Code of Ordinances, City of Memphis, to modify Section 21-80 (b) of the Traffic Control Photographic System Requirements, up for S E C O N D reading.

Hedgepeth

Ordinance No. 5325

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING

9. **ORDINANCE** amending Ordinance No. 4647, by correcting an administrative error in the legal description of the property rezoned from (AG) to (I-L) which was approved by Memphis City Council on March 2, 1999. This property is located on the north side of Holmes Road, +/-1,640 feet east of Lamar Avenue, up for S E C O N D reading.

Morrison

Ordinance No. 5326

Case No. Z 98-157cc

Applicant: Imad Nahhas/OPD

Request: Correct the faulty legal description of the property re-zoned from A-G to I-L District as approved by the Memphis City Council on March 2, 1999

OPD recommendation: APPROVAL, of the corrected legal description

LUCB recommendation: APPROVAL, of the rezoning of this property on December 10, 1998

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

10. RESOLUTION accepting RIDGEWAY TRACE DEVELOPMENT IMPROVEMENTS, and authorizing release of bond.

(Contract No. CR-5096)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the south side of Poplar Avenue, at Ridgeway Loop Road. The standard improvement contract was approved. Resolution also authorizes the release of the performance bond in the amount of \$721,900.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

11. RESOLUTION approving final plat of LAUSANNE COLLEGIATE SCHOOL DRAINAGE IMPROVEMENTS.

Contract No. CR-5144

Resolution approves the engineering plans located on West Massey road at Lendenwood Road. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

12. NOTATIONS from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. PD 09-310 – AMENDMENT TO MCDONALD P.D.

Located on the north side of Summer Avenue; ±1,230 ft. east of Graham Street, containing 1.31 acre site and is partially regulated by McDonald Planned Development (P.D. 97-341); partially in the Single Family Residential (R-S6) District.

Applicant: Charles L. McDonald
Danny Tabrizi, E.D.S. Inc. – Representative

Request: Motor vehicle sales including an additional lot and additional parking spaces

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. PD 09-314 – SOUTH PERKINS PLANNED DEVELOPMENT, 6TH
AMENDMENT

Located on the east side of S. Perkins Road, +/-241 feet north of Spottswood Avenue, containing 1.35 acres and is currently governed by P.D. 08-322

Applicants: Frank N. Stanley, III & Harry Day
Farris, Bobango, Branan, PLC-Homer Branan, III –Representative

Request: Planned development amendment to allow additional parking to the rear of a previously approved restaurant building and on the adjacent property to the north, including a small building expansion and a revised front elevation plan

LUCB and OPD recommendation: APPROVAL, with conditions

C. Case No. PD 09-315 – KIRBY GATE BUSINESS CAMPUS, 2ND
AMENDMENT

Located on the northeast corner of Kirby Parkway and Kirby Gate Boulevard, containing 9.51 acres and is governed by the approved conditions for the Kirby Gate Business Campus Planned Development (PD 99-338) Development

Applicant: Mike Hampton
ETI Corporation (Ralph Smith) – Representative

Request: Senior Specialty Medical Care Facilities to include Out-Patient Clinic, Acute Care Facility, and Skilled Nursing Facility

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: August 18, 2009



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MLGW FISCAL CONSENT

13. RESOLUTION awarding 12-month maintenance contract for inserter machine to Bowe Bell & Howell in the amount of \$54,342.56.
14. RESOLUTION awarding contract for two galvanized dead-end structures to Valmont-Newark in the amount of \$59,990.00.
15. RESOLUTION awarding contract for SCADA historical data software, licenses, implementation and maintenance to GE Energy Management Services, Inc. in the amount of \$67,073.00.



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REGULAR AGENDA

BUDGET ITEM

16. RESOLUTION approving the Memphis City Schools' Budget for 2009-2010. (Held from 7/21).

Fullilove

ACTION REQUESTED: Adopt the resolution

- 17.

Flinn

APPOINTMENTS

Memphis City Beautiful Commission

Appointment

Brian Dixon

Reappointment

Damone Virgilio

Memphis and Shelby County New Arena Public Building Authority

Reappointments

Larry Jensen

Carol Jones

Larry Miller

Pension Board

Appointment

Nancy Albonetti

GENERAL ORDINANCES -THIRD AND FINAL READING

18. **ORDINANCE** fixing Tax Rate of the City of Memphis for the Board of Education of the Memphis City Schools, up for T H I R D and F I N A L reading. (Held from 7/7;7/21)

Lowery

Ordinance No. 5319

ACTION REQUESTED: Take whatever action Council deems advisable

19. **ORDINANCE** to amend Chapter 25, Code of Ordinances, City of Memphis, so as to increase Pension Benefits allowable under Section 25-95 and 25-195, up for T H I R D and F I N A L reading.

Flinn

Ordinance No. 5321

ACTION REQUESTED: Take whatever action Council deems advisable

20. **ORDINANCE** to amend Chapter 7, Code of Ordinances, City of Memphis, so as to decrease the membership of the Board of Directors of the Center City Commission, up for T H I R D and F I N A L reading.

Flinn

Ordinance No. 5322

ACTION REQUESTED: Take whatever action Council deems advisable

21. **ORDINANCE** amending Chapter 2, Article V, Division 3, of the Code of Ordinances, to establish requirements for a City of Memphis Fleet and Employee Take Home Vehicle Policy, up for T H I R D and F I N A L reading.

Flinn

Ordinance No. 5323

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

PARK SERVICES (None)

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS (None)

GENERAL ITEMS (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ON

22. APPOINTMENTS

Flinn

Chief Administrative Officer

Appointment

Jack Sammons

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 11 – Approved
12. Public Hearing set for August 18, 2009
13. Through 15 – Approved
16. Held to August 18, 2009
17. Approved
18. Held to August 18, 2009
19. and 20 – Approved
21. Held to August 18, 2009
22. Approved

ACTION TAKEN ON THE MINUTES OF JULY 21, 2009

Approved

ACTION TAKEN ON THE MINUTES OF AUGUST 4, 2009 FOR ITEMS 19 & 22 ONLY:

Approved